

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

**THE HYDE MUHLER CORP.,
Plaintiff,**

v.

**JOE NATHAN WARD, *et al.*,
Defendants.**

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3:04-cv-64

MEMORANDUM AND ORDER

This case was administratively closed by the court on March 17, 2005 in order to allow defendant Ward sufficient time to close on a loan and secure funds to pay the debt defendants admit is owed to plaintiff. Ward was given forty-five (45) days to settle this matter with plaintiff.

It appears to the court that defendant Ward has failed to honor his representations to the court. Accordingly, it is **ORDERED** that this case be **REOPENED**. A review of the record reveals that plaintiff is entitled to summary judgment on its motion [Doc. 16]; accordingly, the motion is **GRANTED** and judgment in the amount of \$250,000.00 is hereby entered against defendants. Plaintiff's motion to compel the deposition of defendant Ward [Doc. 25] is **GRANTED**. Plaintiff's motion for sanctions [Doc. 23] shall be **HELD IN ABEYANCE** until such time as plaintiff secures

defendant Ward's deposition.

IT IS SO ORDERED.

ENTER:

s/Thomas W. Phillips
UNITED STATES DISTRICT JUDGE